

Division of Public Health

State of Nebraska
Dave Heineman, Governor

July 31, 2012

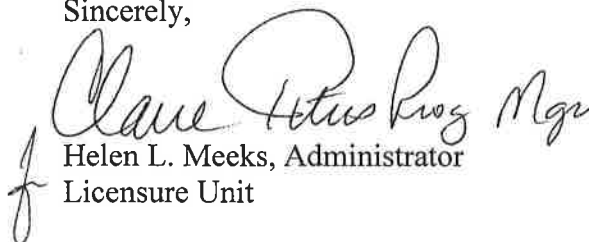
Sonja Merrick
STEP BY STEP CHILDCARE
5268 W. Redberry Lane
Lincoln, NE 68528

Dear Ms Merrick:

This letter is written to request that you submit to Marsha Wandersee in the Licensure Unit by return mail, within the next seven (7) days, your current License to operate as a Family Child Care Home I in the State of Nebraska. This request is being made since said License has been revoked, effective July 26, 2012 by the Notice of Revocation issued on July 11, 2012 by Joann Schaefer, MD, Chief Medical Officer and Director, Division of Public Health, Department of Health and Human Services.

If you have any questions, please contact Child Care Licensing at (402) 471-9302.

Sincerely,


Helen L. Meeks, Administrator
Licensure Unit

HLM/dcp

cc: Child Care Licensing

**NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA**

IN THE MATTER OF:

**THE OPERATING FAMILY CHILD CARE HOME I) NOTICE OF REVOCATION
OF SONJA MERRICK D/B/A A STEP BY STEP)
CHILDCARE)**

LICENSED LOCATION: 5268 W. REDBERRY LANE, LINCOLN, NE, 68528

NOTICE:

Sonja Merrick (hereinafter referred to as "Merrick") is hereby notified that the Nebraska Department of Health and Human Services, Division of Public Health (hereinafter referred to as "Department") intends to revoke Merrick's Operating Family Child Care Home I License for violation of the following:

AUTHORITY:

Nebraska Revised Statutes, section 71-1919 provides that "the Department may ... take disciplinary action against a license issued under the Child Care Licensing Act on any of the following grounds:

(1) Failure to meet or violation of any of the requirements of the Child Care Licensing Act or the rules and regulations adopted and promulgated under the act;

(2) Violation of an order of the department under the act;...

(4) Conduct or practices detrimental to the health or safety of a person served by or employed at the program;" ...

391 NAC 4-001.04 Suspension or Revocation: "The Department may initiate suspension or revocation proceedings under any of the following circumstances: ...

2. When a licensee has violated a regulation(s) so as to create a situation which places children at substantial risk;

11. When there is ... or substantial evidence of any offenses against children or adults including, but not limited to physical abuse, ... neglect, ... by the child care provider; ...

17. When a licensee has violated any regulation; ..."

391 NAC 6-001 Provider: "The child care provider shall assume responsibility for providing adequate and appropriate supervision at all times children are in attendance." ... (Page 3, Standard 6, Family Child Care Home Standards)

"The child care provider shall ensure that the maximum number of children stated on the license is not exceeded at any time." (Page 3, Standard 9, Family Child Care Home Standards)

"A "Children's Record" will be completed before enrollment, and kept current for each child in care." (Page 3, Standard 11, Family Child Care Home Standards)

"The child care provider shall give parents placing a child(ren) in the Family Child Care Home a Department Parent Handbook and shall retain the receipts on the premises. The receipts will be available for review upon request." (Page 3, Standard 12, Family Child Care Home Standards)

"The child care provider shall report to the Nebraska Department of Health and Human Services within 24 hours or next business day when the following conditions occur within the child care program: the death of any child; any accident to children which requires hospitalization or treatment at a medical facility." (Page 3, Standard 14, Family Child Care Home Standards)

"The child care provider who has reason to believe child abuse or neglect may be occurring in the family child care home, in the child's home, or elsewhere shall immediately file a report with the Child Abuse-Neglect Hotline - 1-800-652-1999, and/or appropriate local law enforcement agency." (Page 3, Standard 15, Family Child Care Home Standards)

391 NAC 6-004.01 in pertinent part: "The child care provider and/or household members shall not engage in or have a history of behavior injurious to or which may endanger the health or morals of children." (Page 4, Standard 23, Family Child Care Home Standards)

391 NAC 6-004.03 Report of Law Enforcement Record: "The child care provider is responsible for reporting any arrests, misdemeanor tickets, other than traffic violations, pending criminal charges, and/or any felony/misdemeanor convictions on themselves, substitutes, secondary providers and/or household members when care is provided in the place of residence." (Page 5, Standard 26, Family Child Care Home Standards)

391 NAC 6-006.01 License Capacity: "1. The maximum license capacity for a Family Child Care Home I is 8 children. A Family Child Care Home I provider may be approved to serve no more than two additional school-age children during non-school hours." ... (Page 6, Standard 34, Family Child Care Home Standards)

391 NAC 6-006.02 Child/Staff Ratio: "...Mixed Age: Family Child Care Home I and II providers serving mixed ages may provide care for no more than three infants (under 18 months) per adult as long as no more than two infants per adult are under 12 months of age. In the event of multiple births, an alternative compliance may be considered." (Page 7, Standard 39, Family Child Care Home Standards)

391 NAC 6-009.05 Immunizations: "The child care provider shall maintain copies of children's immunization records. These copies will be available for review upon request." (Page 12, Standard 111, Family Child Care Home Standards)

391 NAC 6-011.03 Discipline: "The child care provider and/or his/her designated substitute is prohibited from using the following as a means of punishment:

1. Spanking, slapping, punching, shaking, striking with any inanimate object, handling roughly, or biting;" ... (Page 13, Standard 129, Family Child Care Home Standards)

FACTS AND FINDINGS:

Merrick is the licensee of an operating Family Child Care Home I. This program is licensed for a maximum of 10 children, ages six weeks to 11 years of age, 6:00 a.m. to 7:00 p.m., Monday through Friday. This program has been licensed since July 1, 2010.

The Department determined that the above regulations were violated by Merrick. The facts are as follows:

1. The Department obtained a report that the Lincoln Police Department had issued a citation for Misdemeanor Child Abuse to Merrick on March 2, 2012, for an incident that occurred on March 1, 2012. Merrick failed to report to the Department the law enforcement contact concerning the incident of abuse, and specifically the citation issued to her on March 2, 2012.

2. The Department reviewed Law Enforcement and Child Protective Services reports and photographs regarding an injury to a child in Merrick's care on March 1, 2012. Department staff also conducted an investigation and the facts obtained are as follows:

- The parents of the child reported that their child had no injuries prior to arriving at Merrick's at 7:00 a.m. on March 1, 2012.
- When the child's parents observed the bruising, they contacted the Department and their child's doctor.
- The child's doctor examined the child and provided his professional opinion that the bruising on the hips and soft tissue of the stomach area on the child was not consistent with Merrick's explanation of how they occurred. The parents of the child informed the doctor Merrick explained the bruises were caused when the child was put in a high chair for time-out. The report completed by the doctor stated the child had two distinct bruises on the fleshy part of the child's belly. If the child had been struggling against a strap or tray from a high chair, bruising would have continued in a linear fashion across his entire belly. The doctor stated that had the child struggled in a high chair, the injuries would have been on the bony protuberances of the child's hips, which stick out more and are the first to be injured, rather than above his hips and on his belly. The doctor's diagnosis was that the child's bruising most resembled finger marks that were consistent with an adult hand squeezing or holding down the child by his waist area very hard, leaving thumb/finger sized bruises on either side of the waist.
- Merrick stated in a text message to the parent: 'had him in high chair for time out earlier and he was wiggling to get out and I just noticed now he has bruises on his waist. That is the only thing I can think they are from' (sent at 12:59 p.m.). In another message, Merrick states, 'He won't stay in time out so that is why I use high chair - now he is giving himself bruises. I don't have the answers either. Wish I did. Sorry. Putting him down for nap now.' In a later text messages Merrick states, 'Really sorry about the bruises'.
- Merrick stated to investigators she first saw the bruises at 11:00 a.m. and took no action until 12:59 p.m. However, Merrick states in interviews and text messages that she is shocked and concerned about the bruises.
- Merrick stated in one interview with Department staff that she considers normal bruising for this age to be on the legs or head due to falls. The bruises were located on the child's stomach and she failed to take any action other than texting the parents about the bruises.
- Merrick stated in interviews that there were other individuals present in her home on March 1, 2012.

3. On March 6, 2012, the Department issued and delivered an Emergency Order immediately suspending Merrick's child care license and ordering her to not provide care to any child. The order was effective immediately. On March 20, 2012, Department staff conducted a complaint investigation to Merrick's child care program which was still under suspension. Department staff observed Merrick providing care to one child.

4. On June 8, 2012

5. Department staff conducted an investigation at Merrick's child care program. The investigation determined Merrick failed to report and disclose to Department staff all children who were currently enrolled at the time of the Emergency Order was issued on March 6, 2012. During the Department staff's investigation, it was discovered Merrick had five (5) children she failed to previously disclose to the Department. Due to Merrick's actions, the Department could not contact the parent/guardians of all of these children regarding the issuance of the Emergency Order to suspend her child care license. Merrick stated during an interview with Department staff on June 1, 2012, she failed to obtain children's records, parent handbook receipts and immunization records on some of these children.

The investigation also determined Merrick was over her licensed capacity and was not in compliance with child/staff ratio during the months of January 2012, February 2012 and on March 1, 2012. On June 1, 2012, Merrick stated to Department staff that she was overcapacity and failed to meet child/staff ratio. The investigation showed that between three and six infants were in care, and three of the infants were under twelve months and three of the infants were over twelve months during January, February and March 1, 2012. Merrick did not provide any information about another adult providing care to any of these infants, along with Merrick, during this time frame.

In addition, Merrick stated she intentionally falsified USDA food billing claims and records. Merrick stated she submitted billing claims requesting payment for children who were not present and for snacks which were not served to the child care children. Interviews with parents regarding the days and hours which their children were in Merrick's care, were also inconsistent with days and hours which Merrick billed the USDA food program.

Based on the facts presented above, the Department is revoking Merrick's Family Child Care Home I license located at 5268 W. Redberry Lane, Lincoln, Nebraska, 68528. Merrick must send her Family Child Care Home I license to Marsha Wandersee at the address listed below seven (7) days after this action becomes final.

BE ADVISED:

That according to Nebraska Revised Statutes, section 71-1922, the action in this Notice shall become final on July 26, 2012, which is fifteen days after the mailing of this Notice unless the Department, within such fifteen-day period, receives a written request for a hearing. The license shall continue in effect until the final order of the director if a hearing is requested. If the director does not receive such request within such fifteen-day period, the action of the Department is final.

If you decide to request a hearing, your written request for hearing must be received by the Department no later than July 26, 2012, which is fifteen days after the mailing of this Notice. It should be addressed to:

Marsha Wandersee, for DHHS
Children's Services Licensing
Licensure – Division of Public Health
P.O. Box 94986
Lincoln, NE 68509-4986

If you request a hearing, you will be notified of the time, date and place of the hearing and other pertinent information, by separate notice. On the basis of such hearing, the director will affirm, modify or rescind the determination of the Department. Be advised that pursuant to Nebraska Revised Statutes, section 71-1920, upon completion of any hearing held, the director may impose any or a combination of any of the following: probation, suspension, revocation, civil penalty, restrictions of new enrollment, restrictions or other limitations on the number of children or the ages of the children served in the program, or other restrictions or limitations on the type of service provided by the program. On the basis of the hearing, a modification by the director may include sanctions important to your program, up to and including the loss of your license.

Nebraska Revised Statutes, section 71-1911, provides that a person who has had their "license suspended or revoked other than for nonpayment of fees shall not operate or offer to operate a program for or provide care to any number of children until the person is licensed pursuant to this action." In addition, section 71-1920, (2), states that "a person who has had a license revoked for any cause other than nonpayment of fees shall not be eligible to reapply for a license for a period of two years."

Nebraska Revised Statutes, section 71-1923 of the Child Care Licensing Act, provides that "a licensee may voluntarily surrender the license issued under the Child Care Licensing Act at any time, except that the Department may refuse to accept a voluntary surrender of a license if the licensee is under investigation or if the Department has initiated disciplinary action against the licensee."

Title 391 of the Nebraska Administrative Code, section 4-001.04, also provides that the "licensee shall not transfer the license to a household member or current staff member while a ...revocation action is still pending." In addition, Title 391 of the Nebraska Administrative Code, section 3-001.08, provides that "amended applications will not be processed whenever a negative license action is pending."

Dated: July 11, 2012

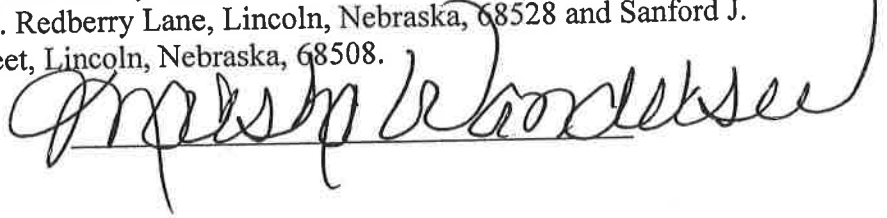
Joann Schaefer, M.D.
Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services



By: Patricia Urzedowski, Administrator
Children's Services Licensing
Division of Public Health – Licensure Unit
Nebraska Department of Health and Human Services
P.O. Box 94986
Lincoln, NE 68509-4986

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 11th day of July, 2012, a copy of the foregoing **NOTICE OF REVOCATION** was sent by certified and first class United States mail, sufficient postage prepaid to Sonja Merrick, 5268 W. Redberry Lane, Lincoln, Nebraska, 68528 and Sanford J. Pollack, Pollack & Ball, LLC, 1003 H Street, Lincoln, Nebraska, 68508.

A handwritten signature in dark ink, appearing to read "Sanford J. Pollack", is written over a horizontal line. The signature is stylized with large, flowing letters and a prominent loop at the end.

**THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA**

IN THE MATTER OF)	12-611
)	TERMINATION OF EMERGENCY
SONJA M. MERRICK)	ORDER
A Family Child Care Home I)	

This matter comes for consideration on the Motion for termination of the Emergency Order, which suspended the license of Sonja M. Merrick and prohibited her from providing care to any child. The Director and Chief Medical Officer, having reviewed the Motion finds as follows:

1. Sonja M. Merrick holds a Family Child Care Home I License, located at 5268 W. Redberry Lane, Lincoln, NE 68528
2. That the Department has completed its investigation and determined there is sufficient evidence to support the allegations that were made against Ms. Merrick and additional allegations and has mailed a Notice of Revocation to Ms. Merrick.

WHEREFORE, IT IS ORDERED:

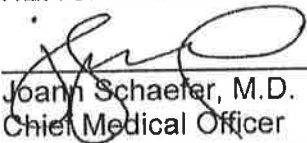
1. The Emergency Order entered on March 6, 2012, which suspended the license of Sonja M. Merrick and prohibited her from caring for any child until the Department completed its investigation is hereby terminated.
2. Any reference in this matter to any child enrolled in the above child care program or any child residing in the home or to any child on the Child Abuse/Neglect Registry shall be made by the use of a number assigned to the child or by the use of the initial letters of the child's first and last name.

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3. Any information which is confidential by state statute shall not be released to the public and all evidence in this matter is placed under seal and is not releasable to the public.

DATED this 11 day of July, 2012

**NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES**


Joann Schaefer, M.D.
Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 12th, 2012, a true and correct copy of the foregoing document was sent by United States Mail, postage prepaid, to: Sonja M. Merrick, 5268 W. Redberry Lane, Lincoln, NE 68528 and to Sandford Pollock, attorney for Ms. Merrick, at Pollack & Ball, L.L.C., 1003 H Street, Lincoln, NE 68508 and by interoffice mail to Teresa M. Hampton, Attorney for DHHS.


DHHS Legal Services
P. O. Box 98914
Lincoln, NE 68509-8914
(402) 471-7237 F. (402) 742-2376

**THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA**

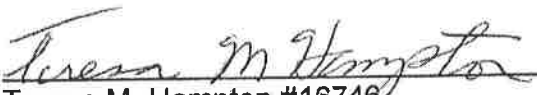
IN THE MATTER OF)	12-611
)	MOTION FOR TERMINATION OF
SONJA M. MERRICK)	EMERGENCY ORDER
A Family Child Care Home I)	

COMES NOW the Department of Health and Human Services, Division of Public Health (DHHS) and pursuant to Neb. Rev. Stat. §71-1915 moves the Director and Chief Medical Officer to issue an Order terminating the Emergency Order suspending the child care license of Sonja M. Merrick, 5268 W. Redberry Lane, Lincoln, NE 68528 and prohibiting Ms. Merrick from providing care for any children until the Department completed its investigation. Ms. Merrick is the owner of a child care program licensed as a Family Child Care Home I. The Department has completed its investigation of this matter and determined there is sufficient evidence to support the allegations against Ms. Merrick in the Motion for Emergency Order and additional violations found since the entry of the Emergency Order. The Department has mailed a Notice of Revocation to Ms. Merrick based on its findings.

WHEREFORE the Department moves the Director and Chief Medical Officer for Order terminating the Emergency Order suspending Ms. Merrick's license and prohibiting her from caring for any children.

**Nebraska Department of Health
and Human Services**

Dated: July 11, 2012


Teresa M. Hampton #16746
P.O. Box 95026
Legal Services
Department of Health and Human
Services
Lincoln, Nebraska 68509-5026
(402) 471-4051
Its Attorney

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 11, 2012, a true and correct copy of the foregoing document was sent by United States Mail, postage prepaid, to: Sonja M. Merrick, 5268 W. Redberry Lane, Lincoln, NE 68528 and to Sandford Pollock, attorney for Ms. Merrick, at Pollack & Ball, L.L.C., 1003 H Street, Lincoln, NE 68508.


Teresa M. Hampton

~~THE DEPARTMENT OF HEALTH AND HUMAN SERVICES~~
~~DIVISION OF PUBLIC HEALTH~~
~~STATE OF NEBRASKA~~

IN THE MATTER OF)	
)	
SONJA M. MERRICK)	EMERGENCY ORDER
A Family Child Care Home I)	

This matter comes for consideration on the Motion for an Emergency Order and Motion for Protective Order filed by the Nebraska Department of Health and Human Services, Division of Public Health. The Deputy Chief Medical Officer, Division of Public Health, having reviewed the Motion and accompanying Affidavits, finds as follows:

1. Sonja M. Merrick holds a Family Child Care Home I License, located at 5268 W. Redberry Lane, Lincoln, NE 68528.

2. An emergency exists requiring immediate action to protect the physical well-being and safety of a child or children in the care of Sonja M. Merrick.

WHEREFORE, IT IS ORDERED:

1. Pursuant to Nebraska Revised Statutes §71-1915, the child care license of Sonja M. Merrick is hereby and immediately suspended, and Sonja M. Merrick is hereby and immediately prohibited from providing child care to any children until the investigation by the Department is completed. Upon application to the Director within fifteen days of this Order, Ms. Merrick shall be afforded a hearing as soon as possible and within ten days of the application, unless she requests that the hearing be held later. Any such application should be addressed to: Marsha Wandersee, for DHHS, Children's Services Licensing Licensure -Division of Public Health, P.O. Box 94986, Lincoln, NE 68509-4986.

2. Any reference in this matter to any child enrolled in the above child care program or any child residing in the home shall be made by the use of the initial letters of the child's first and last name.

~~3. Any information which is confidential by state statute shall not be~~
released to the public and any pictures of any children referred to in this matter
shall not be released to the public.

DATED this 6th day of March, 2012.

**NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES**



Joseph M. Acierno, MD, JD
Deputy Chief Medical Officer
Division of Public Health
Department of Health and Human
Services

~~THE DEPARTMENT OF HEALTH AND HUMAN SERVICES~~
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA

IN THE MATTER OF)	
)	MOTION FOR EMERGENCY ORDER;
SONJA M. MERRICK)	MOTION FOR PROTECTIVE ORDER
A Family Child Care Home I)	

COMES NOW the Department of Health and Human Services, Division of Public Health and pursuant to Neb. Rev. Stat. §71-1915 moves the Deputy Chief Medical Officer, Division of Public Health to declare an emergency and issue an Emergency Order suspending the child care license of Sonja M. Merrick, 5268 W. Redberry Lane, Lincoln, NE 68528 and prohibiting Ms. Merrick from providing care for any children. Ms. Merrick has a license as a Family Child Care Home I at 5268 W. Redberry Lane, Lincoln, NE 68528. Her operating hours are Monday through Friday, 6:00 a.m. to 7:00 p.m. The Department also requests that a Protective Order be entered pursuant to Neb. Rev. Stat. §84-914(2) to protect the privacy of any minor children whose identity may be revealed during the course of these proceedings, and to ensure the confidentiality of any information which is deemed confidential by state statute.

The Department requests the following:

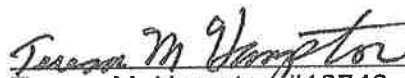
1. That any reference to any child enrolled in the above child care program or any foster child residing in the home or any child of the licensee be made by the use of the initial letters of the child's first and last name.
2. That any information which is confidential by state statute be protected from release to the public and that any pictures of children referred to in matter be non-releasable to the public.

In support of its motion the Deputy Chief Medical Officer is shown the accompanying affidavits of Lori Pflanz-Jerkovic, Child Care Inspection Specialist, and Patricia Urzedowski, Section Administrator, and pictures taken by a Lincoln police officer of the alleged victim and the high chair.

~~WHEREFORE~~ the Department moves the Deputy Chief Medical Officer of the Division of Public Health for an Emergency Order suspending the child care license of Sonja M. Merrick and prohibiting Ms. Merrick from providing care for any children until the Department completes its investigation related to the injuries to the child.

**Nebraska Department of Health
and Human Services**

Dated: 3/6/12


Teresa M. Hampton #16746
P.O. Box 95026
Legal Services
Department of Health and Human
Services
Lincoln, Nebraska 68509-5026
(402) 471-4051
Its Attorney

**THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA**

IN THE MATTER OF

**THE FAMILY CHILD CARE HOME I
LICENSE OF SONJA MERRICK**

)
)
)
)

AFFIDAVIT

**STATE OF NEBRASKA)
COUNTY OF LANCASTER)ss**

Comes now Affiant, Lori Pflanz-Jerkovic, being first duly sworn, and states as follows:

1. I am employed as a Child Care Inspection Specialist with the Nebraska Department of Health and Human Services, Division of Public Health, Office of Children's Services Licensing (hereinafter "Department").

2. The records of the Department show that Sonja Merrick (hereafter "Merrick") holds an operating Family Child Care Home I license at the address of 5268 W. Redberry Lane, Lincoln, NE 68528 from July 1, 2010 to present.

3. Affiant received a Lincoln Police Department Incident Report and Additional Case Information, both attached, that Merrick had been Issued a citation for Child Abuse on March 2, 2012.

4. Affiant received a police report from Lincoln Police Department on March 5, 2012. The report states that a child sustained bruising to the waist area, as reported by the child's doctor, Dr. David Meduna. Dr. Meduna reported the bruising observed on child is consistent with an adult squeezing or holding down the waist area from the front, leaving thumb/finger sized bruises on either side of the child's waist. Police report states that Merrick noted the bruising and contacted the parents. Merrick stated to parents the bruising could have been caused by the tray of a high chair when the child was placed in time-out. A Lincoln Police officer interviewed Merrick and examined the high chair. The officer determined that the bruising was inconsistent with the construction of the chair and Merrick had no further explanation of the bruising.

5. Photographs received by the Department show bruising on the child consistent with an adult squeezing or holding the child with force around the waist and include adult size finger/thumb shaped bruises.

6. Child Care Regulations require Merrick to report all law enforcement contact to the Department of Health and Human Services. Merrick failed to report the citation issued to her.

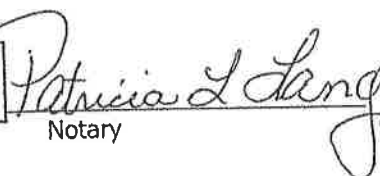
Based on the information above, it is my professional opinion that there is an immediate risk of harm to children in care and this is an emergency situation which requires immediate action to protect the physical well-being and safety of children enrolled in this child care program which operates Monday through Friday, 0600 to 1900. My professional opinion is that an Order be

entered prohibiting Merrick from providing care until the investigation of the injury to the child is completed.


Lori Pflanz Jerkovic
Child Care Inspection Specialist

Dated this 6 day of March, 2012




Notary

~~THE DEPARTMENT OF HEALTH AND HUMAN SERVICES~~
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA

**IN THE MATTER OF THE
FAMILY CHILD CARE HOME I
LICENSE OF SONJA
MERRICK**

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)
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)
)

AFFIDAVIT

STATE OF NEBRASKA

)

) ss

COUNTY OF LANCASTER

)

Comes now Affiant, Patricia Urzedowski, being first duly sworn, and states as follows:

1. I am employed as the Administrator of the Office of Children's Services Licensing with the Nebraska Department of Health and Human Services Division of Public Health (hereinafter "Department").
2. The records of the Department show that Sonja Merrick (hereafter "Merrick") holds a Family Child Care Home I license at the address of 5268 W. Redberry Lane, Lincoln, NE 68528 from July 1, 2010 to present.
3. In my capacity as Administrator of the Office of Children's Services Licensing, I am the custodian of all licensing records for licensed Child Care Programs.
4. The records of the Department show that Merrick has been issued a citation for Child Abuse on March 2, 2012 by the Lincoln Police Department.
5. Based on the information contained in Lincoln Police Department Report and Affidavit signed by Lori Pflanz, Child Care Inspection Specialist, Sonja Merrick has violated the following Child Care Licensing Regulations:

391 NAC 4-001.04 **Suspension or Revocation:** The Department may initiate suspension or revocation proceedings under any of the following circumstances:

2. When a licensee has violated a regulation(s) so as to create a situation which places children at substantial risk;
3. When a complaint of suspected child abuse or neglect has been filed; ...
7. When a licensee has violated any state statute regarding the care and protection of children;
11. When there is a conviction, admission, or substantial evidence of any offenses against children or adults including, but not limited to: physical abuse, sexual abuse, sexual assault, neglect, or endangerment by the child care provider;

391 NAC 6-001 Provider: ...

The child care provider shall assume responsibility for providing adequate and appropriate supervision at all times children are in attendance. Any designated substitute shall have the same responsibility for providing adequate and appropriate supervision. ...


The child care provider shall report to the Nebraska Department of Health and Human Services within 24 hours or next business day when the following conditions occur within the child care program: the death of any child; any accident to children which requires hospitalization; or treatment at a medical facility.

The child care provider who has reason to believe child abuse or neglect may be occurring in the family child care home, in the child's home, or elsewhere, shall immediately file a report with the Child Abuse-Neglect Hotline - 1-800-652-1999, and/or appropriate local law enforcement agency.

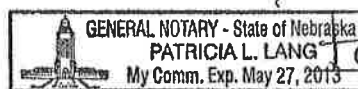
391 NAC 6-011.03 Discipline: The child care provider and/or his/her designated substitute is prohibited from using the following as a means of punishment:

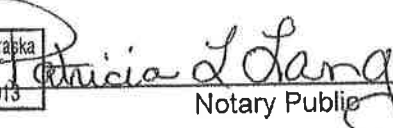
1. Spanking, slapping, punching, shaking, striking with any inanimate object, handling roughly, or biting; ...

Further affiant saith not.


Patricia Urzedowski, Administrator
Office of Children's Services Licensing

Subscribed and sworn before me this 6 day of March, 2012.




Notary Public